

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Commercial Taxes Department - Disciplinary proceedings against Sri M.V. Ramana Murthy, Commercial Tax Officer, Nirmal for failure to collect tax and penalty - Enquiry - Charges proved - Penalty of stoppage of two annual grade increments without cumulative effect - Imposed - Orders - Issued.

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REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No. 1273

Dated:24.10.2011.

Read the following:-

1. G.O.(Rt.) No. 2723, Revenue (Vig. I) Dept. Dt: 18.12.2007.
2. From Sri M.V. Ramana Murthy, C.T.O, Kakinada, written statement of defence dt: 22.1.2008.
3. G.O.Rt.No.882, Rev. (Vig. I) Dept. DT: 15.4.2008.
4. From the Joint Commr. CT (LA) and Inquiry Officer, Letter No. JC(CT), LA/Peshi/1/2008, Dt: 19.5.2010.
5. Govt. Memo No. 43312/Vig. I(1)/2007-6, Revenue (Vig. I) Dept. Dt: 3.8.2010.
6. From Sri M.V. Ramana Murthy, CTO, Kakinada, representation dt: 3.8.2010.
7. Govt. Memo No. 43312/Vg. I(1)/2007-7, Rev.(Vig. I) Dept. Dt: 24.11.2010.
8. From Sri M.V. Ramana Murthy, CTO, O/o. the Dy.Commr. CT, Vizianagaram, representation dt: 26.8.2011.

ORDER:

In the reference 1st read above, the following charge was framed against Sri M.V. Ramana Murthy, Commercial Tax Officer, Nirmal with a direction to submit his written statement of defence :

“Sri M.V. Ramana Murthy, S/o. Sri M. Rajagopal joined as Commercial Tax Officer, Nirmal on 15.11.2005 and is continuing to work till date as Commercial Tax Officer, Nirmal. He failed to collect tax and penalty on the goods being carried in a lorry waylaid on 17.4.2007 at about 10:00 AM at Soan Village even though he noticed that the goods were being transported clandestinely and allowed the Driver and the Cleaner to escape with the lorry carrying the goods. His callous attitude and negligence resulted in failure to collect tax and penalty on the goods carried in Lorry No.AP16T 4795 on 17.04.2007.

Thus, Sri M.V. Ramana Murthy, Commercial Tax Officer, Nirmal by his above mentioned act has exhibited indiscipline and lack of sense of propriety and devotion to duty and thereby contravened Rule 3(1) of APCS (Conduct) Rules, 1964.”

2. In the reference 2nd read above, Sri M.V. Ramana Murthy, C.T.O has submitted his written statement of defence. After examination of the matter, Government have appointed the Joint Commissioner, CT (LA), O/o. the Commissioner of Commercial Taxes, A.P, Hyderabad as the Inquiring Authority to conduct inquiry into the matter, vide reference 3rd read above. Accordingly, the Enquiry Officer has conducted enquiry and furnished inquiry report vide reference 4th read above and the Inquiring Authority, among others, held that the charge against the Charged Officer is proved. In the reference 5th cited, among others, a copy of the enquiry report was communicated to Sri M.V. Ramana Murthy, CTO

P.T.O.,

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with a direction to submit his representation, if any. The individual has submitted his representation vide reference 6th read above and after examination of the same, Government have taken a decision to impose the penalty of stoppage of two annual grade increments without cumulative effect against him. Accordingly, the above decision was communicated to Sri M.V. Ramana Murthy, Commercial Tax Officer and he was directed to submit his representation as to why the above penalty should not be imposed on him, for taking further action in the matter, vide reference 7th read above.

3. In the reference 8th read above, Sri M.V. Ramana Murthy, former C.T.O., Nirmal and presently working as Commercial Tax Officer (Audit), O/o. the Deputy Commissioner, CT., Vizianagaram has submitted his representation stating that due to his prompt action only the scam of missing "C" forms was brought to light and hence imposing punishment against him is not justifiable and requested to reconsider the decision and drop the proposed action against him.

4. Government have examined the matter and observe that the Charged Officer failed to exercise due diligence in discharging his duties. The Charged Officer allowed the lorry driver and also the Cleaner to escape with the lorry carrying the goods and failed to collect the tax and to impose the penalty. He could have conducted further enquiries by summoning the Lorry owner / Driver and enquiring the Nagpur Seller and Hyderabad Purchaser. It can also be entrusted to the Enforcement wing for specific enquiry. But, he failed to do so. Hence, the charge of failure to collect tax and penalty has been established in the regular enquiry. The claim of the individual that he himself detected the missing of "C" forms has no relevance to the charge framed against him.

5. Government, after careful examination of the matter, have decided to impose a penalty of stoppage of two annual grade increments without cumulative effect against Sri M.V. Ramana Murthy, former Commercial Tax Officer, Nirmal and presently working as Commercial Tax Officer (Audit), O/o. the Deputy Commissioner, CT., Vizianagaram Division.

6. Accordingly, Government hereby impose the penalty of stoppage of two annual grade increments without cumulative effect against Sri M.V. Ramana Murthy, former Commercial Tax Officer, Nirmal and presently working as Commercial Tax Officer (Audit), O/o. the Deputy Commissioner, CT., Vizianagaram Division under clause (iv) of rule 9 of A.P.C.S (CC&A) Rules, 1991.

7. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M.V. Ramana Murthy, former Commercial Tax Officer, Nirmal and presently working as Commercial Tax Officer (Audit), O/o. the Deputy Commissioner, CT., Vizianagaram Division

through the Commissioner of Commercial Taxes, A.P, Hyderabad

The Commissioner of Commercial Taxes, A.P, Hyderabad

(He is requested to serve the same on the individual and return the acknowledgment copy)

Copy to:

PS to Principal Secretary to Government, Revenue Department.

The Revenue (CT-I) Department /

SF/SC.

//Forwarded :: By Order //

SECTION OFFICER